

## REMARKS

Claims 104-109, 115, and 120-135 are pending in this application, of which claims 104-109 are withdrawn from consideration. Allowance of the application is respectfully requested in view of the following remarks.

### **I. THE CLAIMS ARE PATENTABLE OVER STEVENS IN VIEW OF GROSS**

Claims 115, and 120-135 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,885,238 to Stevens, *et al.* (hereinafter "Stevens") in view of U.S. Patent No. 5,407,434 to Gross (hereinafter "Gross"). Applicants respectfully traverse this rejection.

In the January 29, 2007 Response, Applicants submitted that the independent claims of the present invention are directed to a method and introducer sheath system for repairing an aneurysm in a vessel using at least two introducer sheath devices. Applicants noted that according to its use in the present application, as well as what would have been defined by one of ordinary skill in the art at the time of invention, "introducer sheath devices" protect the arteries from damage that may occur when a repair apparatus or other device are passed through the tortuous artery passageways during a surgical procedure. That is, they are in contact with the arteries, an "introducer sheath" is a term of art.

Applicants argued that taken alone or in combination, neither Stevens nor Gross disclose or suggest the claimed subject matter of the present invention, and in particular, at least two introducer sheaths. In Stevens, only catheter 10, as shown in Figure 6, would perhaps be considered an "introducer" sheath due to its contact with an artery or vessel. Further, Gross suggests only a single thoracentesis device 10 that

includes an elongated flexible catheter 14 having a leading end 16 formed with one or more radial ports or openings 18 which allow for fluid or air communication with the body cavity to which the leading end is inserted” and its method of use (see Gross, col. 2, lines 42-47; col. 5, lines 10-31). Again, perhaps only catheter 14 would be considered in a broad interpretation as a “introducer” device. A plurality of introducer sheath devices are not used.

In response to this argument, at page 3 of the present Office Action in the Response to Arguments section, the grounds of rejection state that the aforementioned distinction is not persuasive, pointing to Figure 6 of Stevens and stating that catheter 10 is used to introduce valve delivery catheter 75, which in turn is used to [introduce] replacement valve 72. As such, the grounds of rejection argue that catheters 10 and 75 constitute two introducer sheaths. Applicants respectfully traverse this argument.

As noted above, according to the use in the present application, as well as what would have been defined by one of ordinary skill in the art at the time of invention, introducer sheath devices protect the arteries from damage that may occur when a repair apparatus or other device are passed through the artery passageways during a surgical procedure. The Examiner is kindly referred to paragraphs [0155] to [0160] for a description of introducer sheath devices as claimed in the present invention, and known in the art, and in particular, paragraph [0157] which discusses an exemplary embodiment of the invention having more than one unique, introducer sheath device.

In Stevens, while valve delivery catheter 75 may be used in a broad sense to “introduce” replacement valve 72 to the delivery site, valve delivery catheter would not be considered to be an “introducer” delivery sheath as known in the art.

For at least the reasons set forth above, Applicants respectfully submit that Stevens and Gross, taken alone or in combination, fail to disclose, teach or suggest the invention claimed by Applicants. Reconsideration and withdrawal of the rejections are respectfully requested.

## **II. CONCLUSION**

In view of the foregoing remarks, Applicants respectfully submit that the claims of the present invention define subject matter patentable over the references cited by the Office and that the application is in condition for allowance. Should the Office believe that anything further is desirable to place the application in better condition for allowance, the Office is invited to contact Applicants' undersigned attorney at the below listed telephone number.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to deposit account number 03-2469. Moreover, if the deposit account contains insufficient funds, the Commissioner is hereby invited to contact Applicant's undersigned representative to arrange payment.

Respectfully submitted,

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